
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

**Title: CNPA RESPONSE TO CONSULTATION ON
“PEOPLE, PLACES AND PLANNING”**

Prepared by: Gavin Miles, Head of Planning

Purpose of Report

To ask the Planning Committee to consider and approve the CNPA’s response to the Scottish Government’s consultation on the future of the Scottish planning system.

Summary

The Scottish Government is consulting on proposals to change the planning system in Scotland. The proposals are wide-ranging and cover issues that are critical to the success of the planning system but that have not always been prioritised, or have been perceived as unconnected issues. The proposed response supports the principle of most suggested reforms, and suggests further work required to address detailed matters.

Recommendation

That the Planning Committee approve the CNPA’s response to the review of the planning system.

Background

- I. The Scottish Government commissioned an independent review of the Scottish system in late 2015 that was published in May 2016. CNPA contributed to that Review and provided evidence to the relevant Committee. The Scottish Government then prepared '*People, Places and Planning, a consultation on the future of the Scottish planning system*' in January 2017. The full consultation document is available at <http://www.gov.scot/Resource/0051/00512753.pdf> and deadline for responses is 4 April 2017.

Summary of the Consultation

2. The consultation document proposes four key areas of reform:
 - I. **Making plans for the future.** We want Scotland's planning system to lead and inspire change by making clear plans for the future. To achieve this, we can simplify and strengthen development planning.
 - II. **People make the system work.** We want Scotland's planning system to empower people to have more influence on the future of their places. To achieve this, we can improve the way we involve people in the planning process.
 - III. **Building more homes and delivering infrastructure.** We want Scotland's planning system to help deliver more high quality homes and create better places where people can live healthy lives and developers are inspired to invest. To achieve this, planning can actively enable and co-ordinate development.
 - IV. **Stronger leadership and smarter resourcing.** We want to reduce bureaucracy and improve resources so Scotland's planning system can focus on creating great places. To achieve this, we can remove processes that do not add value, and strengthen leadership, resources and skills.
3. Each of the four areas has a general key question as well as detailed optional technical questions.

The Proposed Consultation Response

4. Our proposed approach is to provide answers to the key questions that highlight the CNPA's position and experience, supplemented by answers to some of detailed technical questions. The detailed answers are in Appendix I.

Key Area One – Making plans for the future

5. The key question is: *Do you agree that our proposed package of reforms will improve development planning?* This section covers proposals for:

- a) Aligning community planning and spatial planning;
 - b) Regional partnership working and the removal of strategic development plans;
 - c) Changes to the National Planning Framework (NPF) and Scottish Planning Policy (SPP);
 - d) Changes to Local Development Plan (LDP) timescales and procedures;
 - e) More focus on delivery of development in LDPs
6. The CNPA welcomes the majority of the proposed reforms. However, some of the proposals may add complexity and bureaucracy, and there is a risk that these might undermine the benefits delivered by other key changes. We can see the benefits of closer alignment of community planning and spatial planning although we note in passing that the National Park covers parts of five different local authorities and community planning areas. We note the proposed changes to regional planning and point to the example of National Parks as examples of Scottish regions where National Park Partnership Plans are delivered through place-based partnerships. We can also see the benefits of giving the NPF and SPP greater weight in decision making at a general level and allowing LDPs to focus on local policy solutions rather than repeating national policy.
7. We support proposal to extend the life of LDPs to 10 years where possible, as long as there are simple and effective mechanisms to allow for review and adaptation if circumstances change during the 10-year period. We support measures to simplify and speed up the examination process but have some concerns that proposed changes will change it but not simplify it. We support the proposals to put a focus of delivering the right development through the LDP and on delivery programmes.

Key Area Two - People make the system work

8. The key question is: *Do you agree that our proposed package of reforms will increase community involvement in planning?* This sections covers proposals for:
- a) Allowing communities to produce local place plans;
 - b) Better engagement with children and young people;
 - c) Building more trust in the planning system through enhanced engagement and measures to discourage retrospective or repeat applications as well as stronger enforcement measures;
 - d) Extending the role of Local Review Bodies (LRBs);
9. The CNPA supports the desire to increase community involvement in planning. Communities have been actively involved in the planning and management of the national Park since its inception. We have always endeavoured to improve engagement in the planning process through, for example, careful engagement on development plans. providing extended periods for representation on planning applications and facilitating an active network of planning representatives from Community Councils and Associations. During the past year we trialled the Place Standard Tool in engagement with school pupils

and began a programme to engage secondary school pupils in Planning Committee meetings. We consider the proposals could make more of the role of Community Councils that already have a formal role in the planning process. Any measure to improve community involvement should incorporate strengthened roles for Community Councils to make them more effective.

10. However, we are concerned that some of the proposed reforms could make the system of plans more complex and undermine efforts to streamline LDP production. We already encourage communities to produce Community Action Plans and the visions from these plans have been incorporated into the LDPs. All local based planning requires resource, support and knowledge. We are concerned that the proposals could benefit more affluent communities and those members of them with plenty of free time, whilst being too onerous for less well-off communities or younger people with jobs, young families or in education. We consider more thought is needed to make these proposals equitable.
11. We **strongly** support the proposals for increased planning fees for retrospective planning applications. We have considerable experience of such applications and the public anger and confusion they can cause. We also support the proposals to increase enforcement penalties. We consider the system of Section 42 applications and associated fees should also be reviewed.

Key Area Three – Building more homes and delivering infrastructure.

12. The key question is: *Will these proposals help to deliver more homes and the infrastructure we need?* This sections covers proposals for:
 - a) Strategic planning for future housing needs;
 - b) Delivering housing through public land assembly and enabling development;
 - c) Creating development ready land and using Simplified Planning Zones (SPZs);
 - d) Targeting infrastructure coordination and delivery to remove constraints;
 - e) Exploring new ways of funding infrastructure;
 - f) Integrating infrastructure planning across disciplines.
13. The proposals are likely to go some way towards increasing delivery. The CNPA welcomes the recognition in paragraph 3.1 that whilst many factors are currently limiting the number of homes being built across Scotland, only some of these are within the control of the planning system. We note the importance of National Park Partnership Plans in setting a strategic context for development in National Parks and the link this has to housing land in the Local Development Plan.
14. The proposals do not address an issue that is a difficult one for some parts of rural Scotland such as the Cairngorms National Park, where permanently occupied housing is migrating to second homes and holiday homes that local workers cannot afford to buy or rent. The visitor economy that these homes support is clearly important, but it contributes to an increasing affordability gap for much of the workforce.

15. We strongly support the focus on enabling housing through public land assembly as well as targeted and integrated infrastructure planning. We understand the potential of an infrastructure levy but we also have concerns that it may not be viable in rural areas and also that the infrastructure costs in rural areas, with generally smaller development sites mean that there is a risk that these areas miss out on funding or that additional public support may always be required.

Key Area Four – Stronger leadership and smarter resourcing

16. The key question is: *Do you agree the measures set out here will improve the way that the planning service is resourced?* This sections covers proposals for:
- a) Continuing to build the skills base in the planning community;
 - b) Increasing investment in the planning system through higher statutory charges and discretionary charging for services towards full cost recovery;
 - c) More sophisticated service performance and improvement targets, building on the PPF;
 - d) Simplifying parts of the planning system to make it more efficient;
 - e) Exploring how digital technology can transform the planning system and customer's ability to use it.
17. We can see that the resourcing of the planning system would be improved by the proposals. The work of the Improvement Service and HoPS has helped move the public sector planning profession system to a place where it is more innovative and able to be more creative and we support the emphasis on schools and young people. The target of full cost recovery is attractive to planning authorities but we can see that there may need to be a phasing of cost increases to allow the private sector to adapt.
18. The corollary for increased charges is improved performance but it is essential that performance of the planning system is based on a wide range of measures that includes the quality of outcomes and places, not simply the numbers of units or speed of decisions. The culture of improvement that HoPS have been leading creates good foundations for future improvements.
19. We are generally supportive of the proposals to refine parts of the system to improve efficiency and provide clarity. While we welcome the proposal to amend the duration of planning permission in principle, we consider this needs to be done in light of the S42 application process, its problems and the true cost of processing such planning applications.
20. We also consider that the review should consider whether some development that can be undertaken through prior notification or approval as agricultural and private roads and ways should simply require planning permission. Many tracks on open moorland and hills have some link to an agricultural purpose, even where the primary use is for sporting activities. These tracks can be contentious, but the public may never know of their approval nor have an opportunity to make representation on

them. We suggest that new tracks on open ground that are not in enclosed farmland should simply require planning permission, irrespective of the purpose of the track.

Next Steps

21. Following approval of the consultation response, officers will submit it to Scottish Government.

Gavin Miles

March 2017

gavinmiles@cairngorms.co.uk

Appendices

- I. Detailed response